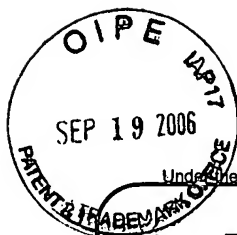


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PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/803,124

Filing Date 03/16/2004

First Named Inventor D'Auvergne

Art Unit 3644

Examiner Name Eldred

Attorney Docket Number 4359

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Attachments to Petition
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	PTO Reply Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Zimmerman & Cronen, LLP		
Signature			
Printed name	Harris Zimmerman		
Date	09/19/2006	Reg. No.	16,437

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Harris Zimmerman	Date	09/19/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 10/803,124

Filed: 03/16/2004

Inventor: D'Auvergne

Docket No.: 4359

Group Art Unit: 3644

Examiner: Eldred

For: SPACECRAFT AND LAUNCH SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
PURSUANT TO F.R.C.P. §1.181**

This Petition is respectfully submitted to withdraw a holding of abandonment of the above identified application.

On August 24, 2006, the PTO issued a "Notice of Abandonment", stating that the application was abandoned in view of:

"Application's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

"The issue fee and publication fee, if applicable, was received on 05/02/06 (with a Certificate of Mailing or Transmission dated 05/02/06), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85."

This Notice of Abandonment was obviously sent out in error for the following reasons:

1. On January 3, 2006, the PTO issued a "Notice of Allowance and Issue Fee Due" with the standard three month statutory period for payment, i.e., by April 3, 2006.

2. As admitted by the PTO, the issue fee was paid by the undersigned and was received by the PTO on May 2, 2006, within the fourth month from the January 3, 2006 mailing date of the Notice of Allowance.

3. Because payment was made during the fourth month, applicant paid the \$700 issue fee, the \$300 publication fee, and the \$60 one-month extension fee (check for \$1,060), accompanied by a Petition for Extension of Time under C.F.R. 1.136(a) and a Fee transmittal form.

Copies of all the above material, including the United States Post Office Express mail receipt dated May 2, 2006 are enclosed, as well as a postcard acknowledgment dated May 2, 2006 from the United States Patent and Trademark Office.


From this material, it is clear that Applicant timely paid the issue fee and that the Patent Office not only received the documents, but acknowledge such receipt by stamping the postcard.

It is accordingly requested that this application be reinstated and that a patent be promptly issued.

If, for any reason, this Petition to withdraw the holding of abandonment is denied, it is requested that this same Petition be considered a Petition to Revive under 37 C.F.R. §1.137 (a) or (b) and any charges or fees in connection with the same may be charged to applicant's attorney's account in the United States Patent Office, No. 26-0265.

Dated: September 19, 2006

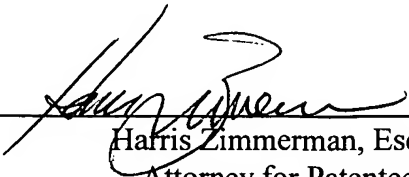
Respectfully submitted,

  
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(510) 465-0828

Attorney for Applicant

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA on September 19, 2006.

Date: September 19, 2006



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Harris Zimmerman, Esq.,  
Attorney for Patentee  
Registration No. 16,437